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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,538	12/08/2003	Luis Elenes	200209630	1481

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EXAMINER

SHAH, MANISH S

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,538

Applicant(s)

ELENES, LUIS

Examiner

Manish S. Shah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 13, 16-21, 24-28, 34-38 and 42-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 15, 22, 23, 29, 30, 33 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 10-12, 14, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 8-9, 15, 22-23, 29-30, 33 & 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Hess et al. (# US 2002/0158955).

Hess et al. discloses:

- A flexibly supported printer, a method of operating printer and a printing system comprising: a printer (element: 10, figure: 1-2); and a flexible support supporting said printer (element: 32, 33, 34, 36, figure: 1-8); wherein movement of internal components of said printer causes said printer to move by flexing said flexible support, wherein said internal components include a print head carriage (element: 56, 58, 52, figure: 4).
- The printer including a body of the printer and a transparent cover releasably mounted on the body of the printer (see figure: 1).
- The flexible support comprises one or more flexible legs (element: 32, 34, 36, figure: 3-6, 8), wherein the each of flexible leg comprises a foot and a spring (figure: 3c).

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- The printer comprises a plurality of flexible legs, wherein a relative positioning of said flexible legs is adjustable to control movement of said printer on said plurality of flexible legs (figure: 3-8).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8-9, 15, 22-23, 29-30, 33 & 39-41 are rejected under 35

U.S.C. 102(e) as being anticipated by Fan et al. (# US 6991332).

Hess et al. discloses:

- A flexibly supported printer, a method of operating printer and a printing system comprising: a printer (element: 100, 110, figure: 2-8); and a flexible support supporting said printer (element: 14, figure: 4-6); wherein movement of internal components of said printer causes said printer to move by flexing said flexible support, wherein said internal components include a print head carriage (figure: 3-6).

- The printer including a body of the printer and a transparent cover releasably mounted on the body of the printer (see figure: 1-8).

- The flexible support comprises one or more flexible legs (element: 14, figure: 3-8), wherein the each of flexible leg comprises a foot and a spring (element: 146, 148, figure: 5a-5b).

- The printer comprises a plurality of flexible legs, wherein a relative positioning of said flexible legs is adjustable to control movement of said printer on said plurality of flexible legs (figure: 3-8).

Allowable Subject Matter

3. Claims 10-12, 14 & 31-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

1. The printer comprises a plurality of flexible legs, with the springs of at least two of said flexible legs having different spring constants.
2. The flexible support comprises three of said flexible legs arranged in a triangle, wherein a front two of said three flexible legs have springs of a first spring constant and a rear leg of said three flexible legs has a spring has a second spring constant, said second spring constant being greater than said first spring constant.
3. The foot is shaped like a human foot.

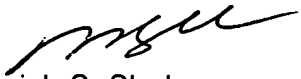
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Manish S. Shah
Primary Examiner
Art Unit 2853

MSS

12/7/06